



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: IA/05477/2013

THE IMMIGRATION ACTS

Heard at Field House
On 2 September 2013

Determination Promulgated
On 5 September 2013

Before

UPPER TRIBUNAL JUDGE COKER

Between

OLA AYO AJAO

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms J Victor-Mazeli, Counsel instructed by Grayfield Solicitors
For the Respondent: Ms E Martin, Home Office Presenting Officer

ORAL DETERMINATION AND REASONS

1. This is an appeal against the third decision that has been made refusing the appellant a permit to remain in the UK as the dependant of an EEA national.

2. The argument before me centred on whether or not First-tier Tribunal Judge Devittie should have granted an adjournment. Ms Victor-Mazeli accepts that there was no documentary evidence in front of the First-tier Tribunal Judge that would have enabled a finding of dependency in the UK so the application would have failed on that basis alone. The issue is whether or not an adjournment should have been granted and thus if it had been evidence could have been produced by the appellant such as to show his dependency.
3. The reason for requesting an adjournment was so that his sponsor could obtain funds for legal representation. The judge considers the adjournment request in paragraph 6 of the determination. Although Ms Victor-Mazeli says that legal representation is essential, this is not a complicated case. Legal representation is not essential. The Reasons for Refusal Letter set out quite clearly that there was no evidence of dependency in the UK. The appellant did not request an adjournment in order to seek advice on the documentation that would be required and gave no indication as to the nature of the documentation that he would be providing despite the fact that he has had two previous applications which had been refused. His application was submitted to the Home Office in August 2012 and it was refused in January 2013. The appeal was lodged on 15 February 2013 and in that appeal he refers to having a representative. He therefore had from 15 February 2013 until 7 June to obtain legal representation and even if he did not obtain legal representation he had sufficient time to seek legal advice as to the documentary evidence that needed to be required. The judge in paragraph 6 sets out clear and sustainable reasons why he refused the adjournment.
4. I am satisfied that there was no error of law by the judge in refusing to grant an adjournment and as I have already indicated, there is no error of law in the substance of the decision. The appeal is dismissed; the decision of the First-tier Tribunal Judge dismissing the appeal stands.

Signed

Date 4th September 2013

Upper Tribunal Judge Coker